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Eiji Okamura

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,945

Applicant(s)

OKAMURA, EIJI

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 7/24/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

CLAIMS OBJECTIONS

1. Claims 5, and 11-17, appears to have be a typographical errors the word "involves", Applicant's is advised to correct the miss spelled word.
2. Claims 1 has been canceled and claims 11-17 has been added and claims 2-10 remained pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-17, are rejected under 35 U.S.C. 102(e) as being anticipated by Hereinafter Ferguson et al (Hereinafter Ferguson U.S Patent 5, 966, 697).

As per claim 2, Ferguson discloses a n electronic commercial transaction system as comprising:

a first electronic commercial transaction system that handles the placing or receiving of orders, and a second electronic commercial transaction system that provides transactions related to the processing derived from the order placing or receiving handled by the first electronic commercial transaction system, wherein said second electronic commercial transaction system automatically is activated upon receipt of order placing or receiving information that is transmitted from the first electronic commercial transaction system.

.(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 3, Ferguson discloses wherein at least either the first electronic commercial transaction system or the second electronic commercial transaction system provides transactions by a bidding process. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

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As per claim 4, Ferguson discloses wherein the first electronic commercial transaction system is involved in transactions with at least one of the following: materials wholesalers, processors, manufacturing wholesalers, intermediary wholesalers, and retail stores. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 5, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves at least one of the following: payment of the fee that accompanies the placing or receiving of an order, processing of the goods for which an order was placed or received, packaging of the goods for which an order was placed or received, collection/delivery and shipping of the goods for which an order was placed or received, processing of the labels attached to the goods for which an order was placed or received, processing of tags that identify the goods, processing of tags that identify the origin of manufacture, or processing of tags that identify the origin of sale. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 6, Ferguson discloses wherein the information provided by the second electronic commercial transaction system is at least either the fee or processing time related to the processing derived from the order placed or received with the first electronic commercial transaction system. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 7, Ferguson discloses wherein the second electronic commercial transaction system provides information that is related to the processing derived from the placed or received order handled by the first electronic commercial transaction system and includes a plurality of information for the same item to enable comparison. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 8, Ferguson discloses wherein the first electronic commercial transaction system provides transactions related to at least either fabric or secondary materials of clothing items or accessories. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and

note fig:2-7).

As per claim 9, Ferguson discloses wherein the second electronic commercial transaction system provides transactions related to the sewing of clothing and accessories. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 10, Ferguson discloses wherein the first electronic commercial transaction system provides transactions related to at least one of the following: clothing items, shoes, bags, wallets, or accessories.(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 11, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves processing of the goods for which an order was placed or received. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 12, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves packaging of the goods for which an order was placed or received. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 13, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves collection/delivery and shipping of the goods for which an order was placed or received. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 14, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves processing of the labels attached to the goods for which an order was placed or received. .(see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 15, Ferguson discloses wherein the second electronic commercial

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transaction system provides a transaction that involves processing of tags that identify the goods. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 16, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves processing of tags that identify the origin of manufacture. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

As per claim 17, Ferguson discloses wherein the second electronic commercial transaction system provides a transaction that involves processing of tags that identify the origin of sale. (see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7).

Conclusion

Response to Arguments

5. Applicant's arguments filed on 7/24/06 have been fully considered but they are not persuasive for the following reasons.

6. In response to Applicant's arguments pertaining to Ferguson.

7. In response to Applicant's arguments that prior art fail to teach or suggest "automatic transfer from one computer system to for order placement to another computer and shipment" the Examiner disagrees with Applicant's because these limitations were addressed as stated.

8. However Ferguson discloses a first electronic commercial transaction system that handles the placing or receiving of orders, and a second electronic commercial transaction system that provides transactions related to the processing derived from the order placing or receiving handled by the first electronic commercial transaction system, wherein said second electronic commercial transaction system automatically is activated upon receipt of order placing or receiving information that is transmitted from the first electronic commercial transaction system. see column 2 lines 16-61 and column 4 lines 1-67 and column 7 lines 62-67 and column 8 lines 1-67 and column 9-10 lines 1-67 and note fig:2-7.

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Therefore it is inherently clear that Applicant claimed limitations are addressed within the teachings of Ferguson.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 15, 2006


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628